



General Assembly

February Session, 2010

Raised Bill No. 5208

LCO No. 1170

01170_____CE_

Referred to Committee on Commerce

Introduced by:
(CE)

AN ACT CONCERNING EXPEDITED PERMITTING FOR ECONOMIC DEVELOPMENT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2010*) (a) As used in this
2 section:

3 (1) "Jobs" means permanent, full-time equivalent positions, not
4 including construction jobs;

5 (2) "Commissioner" means the Commissioner of Economic and
6 Community Development;

7 (3) "Permit applications" means applications for state permits and
8 licenses, and, at the option of a participating municipality, local
9 development permits;

10 (4) "Regional planning organization" means a regional council of
11 governments organized under the provisions of sections 4-124i to 4-
12 124p, inclusive, of the general statutes, a regional council of elected
13 officials organized under the provisions of sections 4-124c to 4-124h,
14 inclusive, of the general statutes or a regional planning agency

15 organized under the provisions of chapter 127 of the general statutes;
16 and

17 (5) "Team" means an expedited action review team established
18 under this section.

19 (b) (1) The Commissioner of Economic and Community
20 Development shall establish teams for the purpose of expediting
21 review of permit applications for projects that (A) would create at least
22 one hundred jobs, (B) would create fifty jobs, if such project is to be
23 located in an enterprise zone designated pursuant to section 32-70 of
24 the general statutes, or (C) would be located in brownfields, as defined
25 in section 32-9cc of the general statutes. Projects ineligible for review
26 under this section are projects the primary purpose of which is to (i)
27 effect the final disposal of solid waste, biomedical waste or hazardous
28 waste in this state; (ii) produce electrical power, unless the production
29 of electricity is incidental and not the primary function of the project;
30 (iii) extract natural resources; (iv) produce oil; or (v) construct,
31 maintain, or operate an oil, petroleum, natural gas or sewage pipeline.

32 (2) Notwithstanding the provisions of subdivision (1) of this
33 subsection, a municipality, by resolution adopted by the legislative
34 body, may request the commissioner to establish a team for a project
35 that would create a minimum of ten jobs. The commissioner may
36 establish a team upon consideration of the economic impact factors of
37 the project that include, but are not limited to, the following: (A) The
38 proposed wage and skill levels relative to those existing in the area in
39 which the project may be located; (B) the project's potential to diversify
40 and strengthen the area's economy; (C) the amount of capital
41 investment; and (D) the number of jobs that will be made available for
42 persons served by the employment services program established
43 pursuant to section 17b-688c of the general statutes.

44 (c) Each team shall be established by a memorandum of
45 understanding among (1) the Departments of Economic and
46 Community Development, Environmental Protection and

47 Transportation, (2) appropriate regional planning organizations, and
48 (3) voluntarily participating municipalities and other political
49 subdivisions. The memorandum of understanding may include
50 provisions for participation by federal agencies. The Commissioner of
51 Economic and Community Development, in cooperation with
52 municipalities and the Departments of Environmental Protection and
53 Transportation, shall develop a standard form for each memorandum
54 of understanding.

55 (d) (1) A participating municipality shall conduct a public workshop
56 to review and explain to the public the expedited permitting process
57 and the terms and conditions of the standard form memorandum of
58 understanding.

59 (2) A municipality shall hold a public hearing prior to entering into
60 a memorandum of understanding for a qualified project.
61 Notwithstanding any other provision of law, and at the option of the
62 municipality, the workshop conducted pursuant to subsection (c) of
63 this section may be on the same date and at the same place as the
64 public hearing held under this subsection.

65 (3) The memorandum of understanding shall identify necessary
66 modifications to municipal procedures and time limits to allow the
67 municipality to approve the project in not more than ninety days after
68 receipt of a completed permit application. The memorandum of
69 understanding shall state that the expedited permitting and review
70 process does not modify, qualify or otherwise alter existing municipal
71 nonprocedural standards for applications, unless expressly provided.

72 (e) Each memorandum of understanding shall include a process for
73 final agency action on permit applications not more than ninety days
74 after receipt of a completed permit application, unless the applicant
75 agrees to a longer time period or the commissioner determines that
76 unforeseen or uncontrollable circumstances preclude final agency
77 action within such time frame. Permit applications subject to federally
78 delegated or approved permitting programs that would prohibit or be

79 inconsistent with the time frame established in this subsection are
80 exempt from the provisions of this subsection, but shall be processed
81 by the agency operating the federally delegated or approved
82 permitting program as expeditiously as possible.

83 (f) The memorandum of understanding may provide for the waiver
84 or modification of procedural rules prescribing forms, fees, procedures
85 or time limits for the review or processing of permit applications under
86 the jurisdiction of those agencies that are party to the memorandum of
87 understanding. Notwithstanding any other provision of law, a
88 memorandum of understanding, to the extent feasible, shall provide
89 for proceedings and hearings otherwise held separately by the parties
90 to the memorandum of understanding to be combined into one
91 proceeding or held jointly and at one location. Such waivers or
92 modifications shall not be available for permit applications governed
93 by federally delegated or approved permitting programs, the
94 requirements of which would prohibit, or be inconsistent with, such
95 waivers or modifications.

96 (g) The standard form memorandum of understanding, established
97 pursuant to subsection (c) of this section, shall include guidelines to be
98 used in working with state and municipal permitting authorities.
99 Guidelines may include, but are not limited to, the following: (1) A
100 central contact point for filing permit applications and for obtaining
101 information on permit requirements; (2) identification of the individual
102 or individuals within each respective agency who shall be responsible
103 for processing the expedited permit application or local
104 comprehensive plan amendment for that agency; (3) a mandatory
105 preapplication review process to reduce permitting conflicts by
106 providing guidance to applicants on (A) the permits needed from each
107 agency, (B) specifications for site planning and development, site
108 suitability and limitations and facility design, and (C) steps the
109 applicant can take to ensure expeditious permit application and local
110 comprehensive plan amendment review; (4) a single, coordinated
111 project description form and checklist and an agreement by state and

112 regional agencies to reduce the necessity that an applicant provide
 113 duplicate information to multiple agencies; and (5) additional
 114 incentives for an applicant who proposes a project that provides a net
 115 ecosystem benefit.

116 (h) The first team meeting to discuss a project shall be held not more
 117 than fourteen calendar days after the commissioner's determination
 118 that the project is eligible for expedited review. Subsequent
 119 interagency meetings may be scheduled to accommodate the needs of
 120 participating local governments that are unable to meet public notice
 121 requirements for executing a memorandum of understanding as
 122 provided in this section, except that such meetings shall not be more
 123 than forty-five days after the commissioner determines that the project
 124 is eligible for expedited review.

125 (i) The applicant, the team and participating municipalities may
 126 agree to incorporate into a single document the permits, licenses and
 127 approvals that are obtained through the expedited permit process.

128 (j) The expedited permitting process established pursuant to this
 129 section shall not modify, qualify or otherwise alter existing agency
 130 nonprocedural standards for permit applications, unless expressly
 131 authorized by law. If it is determined that the applicant is not eligible
 132 to use this process, the applicant may apply for permitting of the
 133 project through the normal permitting processes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	New section

Statement of Purpose:

To improve the partnership of state and local governments in economic development and help ensure that economic development projects are approved as quickly as possible.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]